

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FERNANDO SHAH,
Plaintiff,

v.

ALPINE COUNTY SUPERIOR COURT,
Defendant.

Case No. 21-cv-00891-VKD

ORDER OF TRANSFER


Pro se plaintiff Fernando Shah filed this purported action for a writ of habeas corpus on February 4, 2021. Dkt. No. 1. However, Mr. Shah is not a prisoner being held in custody by the state or federal government and therefore his complaint is not properly brought as habeas petition under either 28 U.S.C. §§ 2241 or 2254. Based on the documents that Mr. Shah submitted with his complaint, it appears Mr. Shah seeks the return of or compensation for an impounded vehicle and to “clear the arrest records that were posted through CLETS and Chaptered State Vehicle Codes.” *Id.* at ECF pp. 1–2, 6, 7. The Court construes this as a claim for violation of his Fourth and Fifth Amendment rights under 42 U.S.C. § 1983. *See id.* at 1–2 (citing § 1983).

All the events Mr. Shah complains of took place in Alpine County, California, which is within the Eastern District of California. 28 U.S.C. § 84. The proper venue for this action is therefore the Eastern District of California. 28 U.S.C. § 1391(b)(2). Accordingly, in the exercise of its discretion, and in the furtherance of justice, the Court finds that this case should be transferred to the U.S. District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a).

The Clerk of the Court shall transfer the entire file to the Eastern District of California.

IT IS SO ORDERED.

Dated: February 5, 2021


VIRGINIA K. DEMARCHI
United States Magistrate Judge

United States District Court
Northern District of California